

REMARKS

This request for reconsideration (hereafter "Request") is fully responsive to the final Office Action dated August 5, 2008. Claims 1, 3-15, 17-24, 27 and 28 are all the claims pending in the present application. No new matter has been introduced by this Request. Favorable reconsideration is respectfully requested.

At the outset, the Applicants thank Examiner Najarian for granting the interview conducted with the Applicants' representative on October 7, 2008. During the interview, the distinguishable features between independent claim 1 (i.e., as an exemplary independent claim) and the Jeacock reference were discussed in detail.

During the interview, the advantageous effects of the present invention over the cited prior art were also discussed. In particular, it was noted that prior art systems are configured to transmit question programs themselves through the communication network so as to provide the question programs for medical doctor's questions to patients. Conversely, in the present invention, the terminal apparatus for a patient generates the question programs in accordance with question sets that are received from a database server apparatus and then executes the generated question programs. Therefore, in the present invention, the question programs themselves are not transmitted through the communication network thereby retaining security of questions to patients.

Additionally, during the interview, three features of the present invention (i.e., template storing means, generating means, and patient dependent question programs that are not transmitted through a communication network) were also discussed. In particular, with regard to the "generating means," the Examiner agreed that there appears to be differences between the "generating means" recited in the claims and the generating means relied on by the Examiner in the Jeacock reference.

The Examiner initially pointed to the default templates and the multi-page personalized patient document disclosed in Jeacock as being similar to the claimed "generating means." However, it was noted that the default templates disclosed in Jeacock already include questions, which are then answered in order to produce the multi-page personalized patient document. Therefore, nowhere in Jeacock does it disclose or suggest the actual generation of the questions programs, as recited in the claims. In particular, Jeacock fails to disclose or suggest generating question programs,

which includes inserting question sets received from a database apparatus into template question programs.

At the conclusion of the interview, the Examiner requested more time to consider these arguments with regard to the “generation means.” Accordingly, the Examiner suggested that the Applicants file a response to the Office Action that includes the arguments presented during the interview regarding the claimed “generating means” and the Jeacock reference, and that the arguments would be given further consideration.

In the Office Action, claims 1, 3-5, 7-13, 15, 17-19, 21-24, 27 and 28 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clarkson (U.S. Publication No. 2003/0046305, hereafter “Clarkson”) in view of Kraftson et al. (U.S. Patent No. 6,151,581, hereafter “Kraftson”) in view of Jeacock et al. (U.S. Patent No. 6,014,630, hereafter “Jeacock”), and further in view of Tipirneni (U.S. Patent No. 6,381,029, hereafter “Tipirneni”).

As indicated during the interview on October 7, 2008, the Applicants maintain that the cited prior art fails to disclose or suggest all the features recited in independent claims 1 and 15. In particular, the cited prior art fails to disclose or suggest the following features similarly recited in independent claims 1 and 15:

“generating means for generating question programs which are dependent on a particular patient among a plurality of patients using a patient-independent template program so that patient-dependent question programs are not transmitted through the communication network, by inserting question sets received from said database server apparatus into the template question programs, the question programs being used for providing medical doctor’s questions to patients.”

The features noted above in independent claims 1 and 15 are fully supported by the Applicants’ disclosure (see e.g., pg. 36, line 11 - pg. 39, line 13; pg. 47, lines 9 - 20; and Fig. 19).

In the Office Action, although the Examiner relied on Clarkson in view of Kraftson in view of Jeacock, and further in view of Tipirneni for disclosing or suggesting all the features recited in independent claims 1 and 15, the Examiner relied exclusively on Jeacock for disclosing or suggesting all the features of the “generating means” of

claims 1 and 15. Specifically, the Examiner relied on Jeacock at col. 1, lines 41-58; col. 2, lines 31-48; and col. 5, line 52 - col. 6, line 4).

However, as noted during the interview, Jeacock at col. 1, lines 41-58 and col. 2, lines 31-48 merely discloses the use of "default templates" that result from the user providing information to a database or computer relating to a patient, surgeon, procedure, facility or the like (i.e., by answering a series of questions presented). The result is a multi-page personalized patient document that is provided to the patient. The information that is provided to the patient is regarding, for example, systems used by a specific facility for the particular procedure to be undergone; specific techniques used by the doctor performing that procedure; and the like.

Thus, in Jeacock, the default templates are stored beforehand in a database that provides the requested information to a patient. However, as noted during the interview, the default templates disclosed in Jeacock already include questions, which are then answered in order to produce the multi-page personalized patient document.

Therefore, nowhere in Jeacock does it disclose or suggest the actual generation of the questions programs, as recited in the claims. In particular, Jeacock fails to disclose or suggest generating question programs, which includes inserting question sets received from a database apparatus into template question programs for providing medical doctor's questions to patients. As further recited in independent claims 1 and 15, the medical doctor's questions are then displayed and answered by the patient.

Moreover, Jeacock at col. 5, line 52 - col. 6, line 4 discloses that the default templates include considerable boilerplate information that is provided to the patients when the personalized patient document is printed out. Thus, this section of Jeacock also supports the Applicants' contention that the templates are prepared in advance. In other words, there is no actual generation of the question programs by inserting question sets received from a database server apparatus into the template question programs, as recited in the claims 1 and 15.

For at least the reasons noted above, no combination Clarkson, Kraftson, Jeacock, and Tipirneni would result in, or otherwise render obvious, independent claims 1 and 15. Additionally, no combination Clarkson, Kraftson, Jeacock and Tipirneni would result in,

or otherwise render obvious, claims 3-5, 7-13, 17-19, 21-24, 27 and 28 at least by virtue of their respective dependencies from independent claims 1 and 15.

In the Office Action, claims 6, 14 and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clarkson, Kraftson, Jeacock, Tipirneni, and further in view of Bair et al. (U.S. Patent No. 6,108,665, hereafter "Bair"). However, claims 6 and 14 depend from independent claim 1; and claim 20 depends from independent claim 15. As noted above, Clarkson, Kraftson, Jeacock and Tipirneni fail to disclose or suggest (individually or in combination) all the features recited in independent claims 1 and 15.

Additionally, Bair fails to overcome the deficiencies noted above in Clarkson, Kraftson, Jeacock and Tipirneni. Accordingly, no combination of Clarkson, Kraftson, Jeacock, Tipirneni and Bair would result in, or otherwise render obvious, the features noted above in claims 6, 14 and 20 at least by virtue of their respective dependencies from independent claims 1 and 15.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the Office Action dated August 5, 2008, and pass the present application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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